UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

MICHELLE L. ALMANZA,)
Plaintiff,)) (CIV. NO : 2:15 av 290
V.) CIV. NO.: 3:15-cv-389
) Chief Judge Varlan
WILLIAM P. BARR,) Magistrate Judge Guyton
Attorney General, United States Department)
of Justice,)
)
Defendant.)

PLAINTIFF'S AMENDED AND SUPPLEMENTAL MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

Plaintiff, Michelle Almanza, through counsel, files this Amended and Supplemental Motion for Award of Attorneys' Fees and Costs pursuant to Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-5(k) and the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 216(b) to account for additional time invested in this case after she filed her initial motion for award of fees and costs on November 19, 2018. This supplemental motion includes a request for attorneys' fees for services performed from November 17, 2018 through March 28, 2019. Plaintiff's request for supplemental fees and costs is fully compensable because courts have consistently held that attorneys may be awarded compensation for the time spent litigating the issue of a reasonable fee. *See, e.g., Ne. Ohio Coal. for the Homeless v. Husted*, 831 F.3d 686, 720-25 (6th Cir. 2016) (Abrogating the rule that limits the hours allowed for preparing and litigating the attorney fee case and holding that all time spent litigating the fee issue is fully compensable);

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¹ Due to technical difficulties that prevented her from filing through ECF, Plaintiff sent her initial motion for fees and costs, with all exhibits, to the Court by e-mail to chambers on November 16, 2018. On November 19, 2018, Plaintiff was able to file her brief and exhibits through ECF reflecting time worked through November 16. Any time after 11/16/18 is included in this supplemental motion.

ABC v. Brunner, No. 1:04-cv-750, 2008 U.S. Dist. LEXIS 119364, at *18-19 (S.D. Ohio Sept. 30, 2008) (refusing to impose arbitrary limit on time spent litigating attorneys' fees award where the federal agency's "impenitent strategy" resulted in voluminous hours spent on the case, and finding that Plaintiffs should not be punished for responding to such litigation strategy with the "fervor and diligence necessary to ethically advocate").

In support of this Supplement, the Plaintiff relies on the following documents:

Exhibit 1: Declaration of Attorney Jennifer Morton;

Exhibit 1-A: Supplemental Statement of Services by Attorney Jennifer Morton;

Exhibit 1-B: Supplemental Statement of Services by Legal Assistant Cheryl Mahaffy, and Statement of Services by Legal Assistant Leena Juwaid;

Exhibit 1-C: Receipt for additional expense;

Exhibit 2: Declaration of Attorney Maha M. Ayesh;

Exhibit 2-A: Supplemental Statement of Services by Attorney Maha Ayesh.

Plaintiff incorporates by reference her initial Motion for Award of Attorneys' Fees and Costs and related Memorandum of Law [Docs. 130, 132], her reply to Defendant's response in opposition to that motion [Doc. 147], and all supporting declarations and exhibits.

For the Court's convenience, the requested attorneys' fees and expenses are summarized in full below. In preparing this summary, Plaintiff calculates fees based on hourly rates of \$400 for Attorney Morton and \$300 for Attorney Ayesh. Plaintiff's initial motion for award of attorneys' fees filed on 11/19/18 identified a reasonable range of hourly rates up to \$400 for Ms. Morton and \$300 for Ms. Ayesh, based on supporting declarations and other evidence, as well as this Court's prior awards. For the reasons summarized in Plaintiff's Reply to Defendant's

Response to Motion for Award of Fees and Costs, specifically PageID ##7118-7120, Plaintiff amends her initial motion to clarify that she is requesting the rates of \$400 for Morton and \$300 for Ayesh as appropriate under the facts of this case.

As the prevailing party, Ms. Almanza moves for fees and costs as follows:

Attorney/Legal Staff Fees:

	Time Billed (hours)	Hourly Rate Requested	Amount of Fees Requested
Attorney Jennifer B Morton:		•	•
Initial Motion for Fees	1952.01	\$400	\$780,804.00
Supplemental Motion for Fees	170 ²	\$400	\$68,000.00
Attorney Maha M. Ayesh:			
Initial Motion for Fees	813.10	\$300	\$243,900.00
Supplemental Motion for Fees	84.22	\$300	\$25,255.00
Senior Legal Assistants/Law Clerk:			
Initial Motion for Fees	191.45 ³	\$100	\$19,145.00
Supplemental Motion for Fees	.70	\$100	\$70.00
Junior Legal Assistants:			
Initial Motion for Fees	69.25	\$50	\$3,462.50
Supplemental Motion for Fees	13.10	\$50	\$655.00

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² Attorney Morton has reduced her time sought in this supplemental motion in order to facilitate this Court's resolution of this case. See Morton Declaration ¶ 6.

³ As Defendant pointed out in Exhibit A to its Response brief (Doc. 138, PageID #6636), Plaintiff reported in her initial motion that the total legal assistant and law clerk time was 159.8 hours. That figure was the total just for Ms. Mahaffy and Ms. Collins, and Plaintiff mistakenly failed to include law clerk Kevin Morris's time, although a detailed statement of Mr. Morris' time spent on the case was included in the exhibits to the motion. (See Doc. 130-3, PageID ##6434-35.) 191.45 hours is the total for the two senior legal assistants, Ms. Mahaffy and Ms. Collins, and law clerk Mr. Morris.

Total fees requested		\$1,141,291.50

Expenses:

Initial Motion for Fees		\$16,753.81
Supplemental Motion for Fees		\$65.40
	Total expenses requested	\$16,819.21

TOTAL FEES AND COSTS REQUESTED:

\$1,158,110.71

Respectfully submitted this 28th day of March 2019.

s/ Jennifer B. Morton
Jennifer B. Morton, BPR #015585
Maha M. Ayesh, BPR #025244
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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access the filing through the Court's electronic filing system.

s/Jennifer Morton